

**APPROVED 7/12/10**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, June 7, 2010 at the Mildred A. Wakeley Community & Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

**MEMBERS PRESENT:**

James J. Giulietti, Chairman  
Brian R. Cummings, Secretary  
Douglas E. Roberts  
Vern E. Carlson  
Edward M. Homa, Alternate  
Richard E. Wilson, Alternate  
Curtis Andrews, Sr., Alternate, sitting for Theresa Ranciato-Viele

**MEMBERS ABSENT:**

Theresa Ranciato-Viele, Vice Chairman

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Giulietti, Chairman, opened the meeting at 7:02 p.m. and introduced the Commissioners, alternates, town staff and the clerk and asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that applications #10-05 & #10-05A, 441 Sackett Point Road and #P10-06S, #P10-06 & #P10-06A, 110 Republic Drive, are postponed to the July 12, 2010 meeting.

**AGENDA**

**PUBLIC HEARINGS:**

1. #P10-06S Special Permit Application/Certificate of Location (as authorized by Section 8.11.1) of 110 Republic Drive Associates, LLC, Owner and Applicant, relative to 100-120 Republic Drive, (Map 35, Lot 12). Plan Entitled: Site Development Plan – Improvement Location Survey, Property of 110 Republic Drive Associates, LLC, Prepared by Godfrey-Hoffman Associates, LLC, Dated 4/8/10. Scale 1" = 40'. IG-80 Zoning District.

This application is postponed to the July 12, 2010 meeting.

The Commission elected to hear application #P10-07S, #P10-07 & #P10-07A together.

2. #P10-07S Special Permit Application (as authorized by Section 5.1.1.59), of Mason Holdings, LLC, Owner and Applicant, relative to 66 Leonardo Drive, (Map 59, Lot 22). Plan Entitled: Site Development Plan, 66 Leonardo Drive, North Haven, Connecticut, Prepared by John Paul Garcia & Assoc., P.C., Dated 4/21/10. Scale 1" = 30'. IL-80 Zoning District.
9. #P10-07 Site Plan Application of Mason Holdings, LLC, Owner and Applicant, relative to 66 Leonardo Drive, (Map 59, Lot 22). Plan Entitled: Site Development Plan, 66 Leonardo Drive, North Haven, Connecticut, Prepared by John Paul Garcia & Assoc., P.C., Dated 4/21/10. Scale 1" = 30'. IL-80 Zoning District.
10. #P10-07A CAM Application of Mason Holdings, LLC, Owner and Applicant, relative to 66 Leonardo Drive, (Map 59, Lot 22). Plan Entitled: Site Development Plan, 66 Leonardo Drive, North Haven, Connecticut, Prepared by John Paul Garcia & Assoc., P.C., Dated 4/21/10. Scale 1" = 30'. IL-80 Zoning District.

Mr. John Paul Garcia of John Paul Garcia & Associates presented the application to permit the construction of a 4,200 square feet addition to the south side of the existing building for manufacturing oxygen used for surgical procedures. Mr. Garcia asked to waive the sidewalks and then reviewed the Land Use and Engineering comments with the Commission. The Commission asked questions and Mr. Garcia responded.

Mr. Giulietti asked for public comment.

There being no public comment, the Public Hearing was closed.

The Commission elected to hear application #P10-09S & #P10-09 together.

Mr. Giulietti recused himself from this application and Mr. Homa sat.

Mr. Cummings moved to have Mr. Carlson serve as Acting Chairman; Mr. Roberts second the motion. All were in favor.

3. #P10-09S Special Permit Application (as authorized by Section 2.5.1), of JMSARM, LLC, Applicant, Estate of Yolanda & William S. Halkovetz, c/o William S. Coldwell, Esq., Owner, relative to 191-209 North Hill Road, (Map 14, Lot 68). Plan Entitled: Founders Preserve Cluster Resubdivision, Prepared for JMSARM, LLC, 191-209 North Hill Road, North Haven, Connecticut, Prepared by Bennett & Smilas Engineering, Inc., Dated February 3, 2010, rev. 5/3/10. Scale 1" = 50'. R-40 Zoning District.

4. #P10-09 Resubdivision Application of JMSARM, LLC, Applicant, Estate of Yolanda & William S. Halkovetz, c/o William S. Coldwell, Esq., Owner, for six (6) lots, relative to 191-209 North Hill Road, (Map 14, Lot 68). Plan Entitled: Founders Preserve Cluster Resubdivision, Prepared for JMSARM, LLC, 191-209 North Hill Road, North Haven, Connecticut, Prepared by Bennett & Smilas Engineering, Inc., Dated February 3, 2010, rev. 5/3/10. Scale 1" = 50'. R-40 Zoning District.

Attorney George Adams presented the application to permit the resubdivision of this 10.183 acre parcel into six single family residential building lots. A 4.842 acre parcel located in the southwest portion of the site is intended to be dedicated as permanent "Community Open Space". On April 28, 2010 the applicant was granted an approval for a Permit to Conduct a Regulated Activity and a positive Subdivision Referral.

Mr. Mike Bennett of Bennett & Smilas Engineering, Inc., described the site and the proposed subdivision. He stated that the lot sizes will vary from 30,000 to 46,000 square feet and the subdivision will connect to the sewer line on North Hill Road. He described conventional and cluster subdivision plans. The Commission asked questions and Mr. Bennett and Mr. Bodwell, Town Engineer, responded.

Mr. Giulietti asked for public comment.

Public comment:

1. John Brennan, 127 Summer Lane, is in favor of the conventional subdivision plan instead of the cluster subdivision plan because it provides bigger building lots and is more in conformance with the rest of the neighborhood.
2. Lisa and Greg Tomanio, 15 Jersey Drive, concerned with impact on wetlands, clearing causing drainage problems, property abutment. Mr. Tomanio asked about deed restrictions and the square footage of the proposed houses.
3. Jean Gambardella, 135 Summer Lane, asked questions regarding the sewer easement.
4. Ray Gambardella, 131 Summer Lane, asked if larger lot sizes with fewer houses would be a more appropriate subdivision for this area.

Attorney Adams, Mr. Bennett and Mike Massimino, developer, addressed the public comment.

There being no further public comment, the Public Hearing was closed.

**BREAK: 8:35 – 8:45 PM**

#### **SITE PLANS:**

5. #P10-05 Site Plan Application of William H. Rich, Owner and Applicant, relative to 441 Sackett Point Road (Map 35, Lot 21). Plan Entitled: Proposed Praxair Acetylene Tanker Deluge System, Prepared by DTC, Dated 4/7/10. Scale 1" = 80'. IG-80 Zoning District.

This application is postponed to the July 12, 2010 meeting.

6. #P10-05A CAM Application of William H. Rich, Owner and Applicant, relative to 441 Sackett Point Road (Map 35, Lot 21). Plan Entitled: Proposed Praxair Acetylene Tanker Deluge System, Prepared by DTC, Dated 4/7/10. Scale 1" = 80'. IG-80 Zoning District.

This application is postponed to the July 12, 2010 meeting.

7. #P10-06 Site Plan Application of 110 Republic Drive Associates, LLC, Owner and Applicant, relative to 100-120 Republic Drive, (Map 35, Lot 12). Plan Entitled: Site Development Plan – Improvement Location Survey, Property of 110 Republic Drive Associates, LLC, Prepared by Godfrey-Hoffman Associates, LLC, Dated 4/8/10. Scale 1" = 40'. IG-80 Zoning District.

This application is postponed to the July 12, 2010 meeting.

8. #P10-06A CAM Application of 110 Republic Drive Associates, LLC, Owner and Applicant, relative to 100-120 Republic Drive, (Map 35, Lot 12). Plan Entitled: Site Development Plan – Improvement Location Survey, Property of 110 Republic Drive Associates, LLC, Prepared by Godfrey-Hoffman Associates, LLC, Dated 4/8/10. Scale 1" = 40'. IG-80 Zoning District.

This application is postponed to the July 12, 2010 meeting.

11. #P10-08 Site Plan Application of Vincent Cusumano, Applicant, Raymond Iannucci, Owner, relative to 16 Universal Drive, (Map 16, Lot 1). Plan Entitled: Site Electrical Plan, P.C. Richard & Son, 16 Universal Drive, North Haven, CT 06473, Prepared by BL Companies, Dated 3/26/10. Scale 1" = 50'. IL-30 Zoning District.

Mr. Vincent Cusumano, architect, presented the application to permit the installation of additional site lighting with one additional light pole to better light the entrance way. The Commission asked questions and Mr. Cusumano responded.

#### **DELIBERATION SESSION:**

Mr. Roberts moved to go into deliberations; Mr. Cummings seconded the motion. All were in favor.

2. #P10-07S Special Permit Application (as authorized by Section 5.1.1.59), of Mason Holdings, LLC, Owner and Applicant, relative to 66 Leonardo Drive.

Mr. Carlson moved to approve the application. Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

9. #P10-07 Site Plan Application of Mason Holdings, LLC, Owner and Applicant, relative to 66 Leonardo Drive.

Mr. Carlson moved to approve the application and waive the sidewalks. Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

The application was approved with appropriate conditions.

10. #P10-07A CAM Application of Mason Holdings, LLC, Owner and Applicant, relative to 66 Leonardo Drive, (Map 59, Lot 22). Plan Entitled: Site Development Plan, 66 Leonardo Drive.

Mr. Carlson moved to approve the application. Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

3. #P10-09S Special Permit Application (as authorized by Section 2.5.1), of JMSARM, LLC, Applicant, Estate of Yolanda & William S. Halkovetz, c/o William S. Coldwell, Esq., Owner, relative to 191-209 North Hill Road.

Mr. Roberts moved to approve the application; Mr. Andrews seconded the motion. The Commission voted as follows:

Cummings – aye Roberts – aye Carlson – aye Homa – aye Andrews – aye

4. #P10-09 Resubdivision Application of JMSARM, LLC, Applicant, Estate of Yolanda & William S. Halkovetz, c/o William S. Coldwell, Esq., Owner, for six (6) lots, relative to 191-209 North Hill Road.

Mr. Roberts moved to approve the application. Mr. Cummings seconded the motion. The Commission voted as follows:

Mr. Roberts amended the motion to have the applicant meet one criteria; Mr. Andrews seconded the motion. The Commission voted as follows:

Cummings – aye Roberts – aye Carlson – aye Homa – aye Andrews – aye

The application was approved with appropriate conditions.

11. #P10-08 Site Plan Application of Vincent Cusumano, Applicant, Raymond Iannucci, Owner, relative to 16 Universal Drive.

Mr. Roberts moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

**OTHER:**

320 Middletown Avenue, Pond View Estates

Mr. Rick Vizziello of Woodmere Developers, LLC stated that State requirements are slowing down the installation of the sidewalks and that the Association is requesting a sidewalk waiver on the southerly entrance along the guardrail.

Mr. John Nerkowski of Pond View Estates Association suggested eliminating the sidewalks and installing a guardrail around the corner at Middletown Avenue and Montowese Avenue. Mr. Pat Ferraro of Pond View Estates Association also wants to waive the sidewalks. Mr. Tony Rosley of Pond View Estates Association is concerned with the environmental impact from installing sidewalks.

Mr. Carlson moved approve a one (1) month extension from July 2, 2010 to August 3, 2010 to complete the sidewalks; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

282-302 Maple Avenue.

Mr. Giulietti stated that he received a complaint from a neighbor regarding a dump truck on the site and a sliding gate that allows traffic to move between the two sites.

**EXTENSIONS:**

#P09-11, 79 Washington Avenue

Mr. Carlson moved a to approve one (1) six (6) month extension for application #P09-11, 79 Washington Avenue; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

#P08-63, 332 Washington Avenue

Mr. Carlson moved to approve a second six (6) month extension for application #P08-63, 332 Washington Avenue. Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

**BOND RELEASES & REDUCTIONS:**

#P04-25, 135 Millbrook Road

Mr. Jerry Costa addressed the Commission regarding his bond.

Mr. Carlson moved to release the entire bond for application #P04-25, 135 Millbrook Road, in the amount of \$8,000.00; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews - aye

**CHANGE OF USE:**

139 Middletown Avenue

Mr. Sorrentino, owner, presented the change of use from office to a performing arts studio and Michelle Natalino described her business. Mr. Art Natalino, father, also spoke regarding parking. Mr. Giulietti is concerned with additional parking on this already congested site.

Mr. Roberts moved to approve the Change of Use for 139 Middletown Avenue from office to service with eight designated marked dancing spaces; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Andrews – aye

**CORRESPONDENCE:** - AT&T Letters dated 4/19/10, 4/24/10, 5/15/01, 5/18/10, 5/18/10 and 5/20/10  
- Conn. Federation of P&Z Agencies Newsletter, Spring 2010  
- 33 Defco Park Road, DEP Land Use Restriction and Grant of Easement

Mr. Fredricksen reviewed the correspondence with the Commission.

**MINUTES:**

May 3, 2010

Mr. Cummings moved to approve the minutes of the May 3, 2010 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Cummings – aye Roberts – aye Carlson – aye Wilson - aye

**ADJOURN:**

There being no further business, Mr. Roberts moved to adjourn; Mr. Cummings seconded the motion. The meeting was adjourned at 10:40 PM.